2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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Activities relating to the Treaty on the South-East Asia Nuclear-Weapon-Free Zone

Memorandum submitted by Viet Nam

A. Background

1. The Treaty on the South-East Asia Nuclear-Weapon-Free Zone (Treaty of Bangkok) was signed by 10 States of South-East Asia on 15 December 1995, namely, Brunei Darussalam, Cambodia, Indonesia, the Lao People's Democratic Republic, Malaysia, Myanmar, the Philippines, Singapore, Thailand and Viet Nam. The Treaty, which entered into force on 27 March 1997, is of a permanent nature and shall remain in force indefinitely. The Treaty was registered with the United Nations on 26 June 1997.

2. The key goals of the Treaty of Bangkok are to uphold peace and stability while ensuring nuclear non-proliferation in the South-East Asian region, and to commit the full support of the States parties to the Treaty to the three main pillars of the Treaty on the Non-Proliferation of Nuclear Weapons, namely nuclear non-proliferation, nuclear disarmament and the peaceful use of nuclear energy.

3. The Treaty is in line with the objectives enunciated on nuclear-weapon-free zones contained in the decisions on principles and objectives for nuclear non-proliferation and disarmament taken by the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons.

4. Since the submission of the first memorandum on activities relating to the Treaty of Bangkok at the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, important progress has been made and various new developments have taken place in the implementation of the goals and objectives set forth in the Treaty of Bangkok.

B. Implementation of the provisions of the Treaty of Bangkok

5. Since 1999, the States parties have put in place the organs that oversee the implementation of the Treaty and ensure compliance with its provisions, namely the

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Commission for the South-East Asia Nuclear-Weapon-Free Zone, comprising the Ministers for Foreign Affairs of all States parties, and the Executive Committee of the Commission, an organ subsidiary to the Commission, comprising senior officials of all States parties. With the entry into force of the Charter of the Association of Southeast Asian Nations (ASEAN) on 15 December 2008, the organs of the Treaty have been further strengthened by having been incorporated as bodies under the ASEAN Political-Security Community (APSC) Council under the Charter.

6. The implementation of the Treaty and its Plan of Action is one of the priority areas in the ASEAN Political-Security Community Blueprint, which is part of the road map for the ASEAN Community (2009-2015), adopted at the fourteenth ASEAN summit, held in Cha-am Hua Hin, Thailand, in 2009.

7. In order to ensure that the States parties are able to fully realize their undertakings as enshrined in the Treaty, the Commission for the South-East Asia Nuclear-Weapon-Free Zone, at its Meeting held on 29 July 2007 in Manila, reviewed the implementation of the Treaty from 1997 to 2007 and adopted the Plan of Action to strengthen the implementation of the Treaty from 2007 to 2012. The Ministers for Foreign Affairs of the States parties to the Treaty also issued a joint statement of the Commission for the South-East Asia Nuclear-Weapon-Free Zone on 30 July 2007. The Plan of Action identified the measures and actions that States parties should endeavour to pursue in that five-year period. The progress made in the implementation of the Plan of Action is reviewed annually by the Executive Committee for the South-East Asia Nuclear-Weapon-Free Zone and reported to the Commission.

8. Progress has also been made by several States parties in acceding to the relevant multilateral conventions and agreements related to promoting and reinforcing the nuclear non-proliferation and disarmament regime. These include the ratification by Indonesia of the Convention on Nuclear Safety in 2002, the ratification by Viet Nam of the Comprehensive Nuclear-Test-Ban Treaty in 2006, the accession by Cambodia to the Convention on the Physical Protection of Nuclear Material in 2006, the ratification by the Philippines of the International Atomic Energy Agency (IAEA) Additional Protocol in 2010 and the accession by Viet Nam to the Convention on Nuclear Safety in 2010.

9. As of 2009, 7 of 10 Treaty parties, namely, Indonesia, Malaysia, Myanmar, the Philippines, Singapore, Thailand and Viet Nam, had acceded to the Convention on Early Notification of a Nuclear Accident, as provided for in article 6 of the Treaty.

10. Another important highlight was the effort made by the States parties to increase the profile of the Treaty of Bangkok in multilateral forums and international organizations. In that connection, the ASEAN-sponsored resolutions on the Treaty were adopted by the General Assembly at its sixty-second and sixty-fourth sessions, in December 2007 and October 2009, respectively. The resolutions encourage the nuclear-weapon States and the States parties to the Treaty to, inter alia, work constructively with a view to seeking the accession of the nuclear-weapon States to the Protocol of the Treaty.

C. Cooperation with the International Atomic Energy Agency and other partners

11. With a view to strengthening the capacity of the States parties in implementing the Treaty of Bangkok and its Plan of Action, the States parties have established cooperation with IAEA and other partners, which include other nuclear-weapon-free zones and several dialogue partners of ASEAN. The areas of cooperation focus on capacity-building, the development of a legal framework to meet international standards on nuclear safety, the establishment of regional networks for early notification, and the development of a regional emergency preparedness and response plan.

12. The States parties to the Treaty of Bangkok and IAEA have undertaken a number of dialogues and cooperative activities, which included consultations between the Working Group of the Executive Committee of the Commission for the South-East Asia Nuclear-Weapon-Free Zone and IAEA on 14 March 2000 in Hua Hin, Thailand, and an ASEAN-IAEA workshop on the implementation of the Treaty, was held in Bangkok from 23 to 25 August 2000.

13. IAEA also participated in the first Meeting of the ASEAN Nuclear Energy Safety Sub-Sector Network, held in Singapore on 22 and 23 January 2008. The Meeting agreed that the Network would liaise with IAEA on safety issues pertaining to all aspects of the civilian use of nuclear power and that IAEA would also be invited as an observer at future meetings.

14. Cooperation with other partners, especially in the field of nuclear energy safety, has also seen encouraging progress, especially within the framework of ASEAN Plus Three (ASEAN plus China, Japan and the Republic of Korea) cooperation. An ASEAN Plus Three Forum on Nuclear Energy Safety was held in Bangkok on 16 and 17 June 2008 to tap the region's expertise on nuclear energy safety and as the first step in promoting dialogue on the safe use of civilian nuclear energy in the region. The second ASEAN Plus Three Forum on Nuclear Energy was held from 29 June to 1 July 2009 in Shenzhen, China.

15. In support of the nuclear-weapon-free zones, including within the context of the Conference of States Parties and Signatories to Treaties that Establish Nuclear-Weapon-Free Zones, Thailand, as Chair of the Commission for the South-East Asia Nuclear-Weapon-Free Zone, participated in a meeting of focal points of nuclear-weapon-free zones and Mongolia, with participants from the nuclear-weapon-free zones of Latin America and the Caribbean (Treaty of Tlatelolco), the South Pacific (Treaty of Rarotonga), Central Asia (Semipalatinsk Treaty) as well as Mongolia, held in Ulaanbaatar on 27 and 28 April 2009. The Meeting discussed, among other things, the implementation of the Tlatelolco Declaration of 2005, as well as preparations for the follow-up Conference of States Parties and Signatories to Treaties that Establish Nuclear-Weapon-Free Zones and Mongolia and for the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons.

D. Consultations with the nuclear-weapon States on the Protocol to the Treaty

16. Since the signing of the Treaty of Bangkok in 1995, the States parties have pursued the goal of constructively engaging in consultations with the five nuclear-weapon States with a view to encouraging the latter to sign the Protocol to the Treaty as early as possible. The Protocol was drafted and attached to the Treaty in the hope that all five nuclear-weapon States could sign it to show their support for and recognition of the South-East Asia Nuclear-Weapon-Free Zone. Encouraged by the renewed impetus for a world free from nuclear weapons and the upcoming Review Conference in 2010, the States parties to the Treaty of Bangkok have undertaken internal consultations to support new development on nuclear non-proliferation and disarmament, and to work towards a possible resumption of direct consultations with the nuclear-weapon States to resolve the remaining outstanding issues on the Protocol, in accordance with the objectives and principles of the Treaty.

E. Other developments

17. The inaugural Meeting of the ASEAN Political-Security Community Council, convened on 10 April 2009 in Pattaya, Thailand, discussed ways to move forward on the South-East Asia Nuclear-Weapon-Free Zone. The Meeting exchanged views on how to achieve further progress on the implementation of the Treaty of Bangkok and its Plan of Action and to continue to encourage the nuclear-weapon States to accede to the Treaty's Protocol.

18. The Meeting of the APSC Council further agreed to raise the profile of the South-East Asia Nuclear-Weapon-Free Zone in multilateral forums and international organizations such as the United Nations and IAEA. The Meeting welcomed recent statements calling for a world free of nuclear weapons. Recognizing that nuclear-weapon-free zones represent part of the bargain between nuclear-weapon States and non-nuclear-weapon States that involve nuclear disarmament, the non-proliferation of nuclear weapons and the peaceful use of nuclear energy, the Meeting agreed that ASEAN member States should enhance their coordination on such issues in multilateral forums and explore common positions that can be used in preparation for the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons.

19. The Commission for the South-East Asia Nuclear-Weapon-Free Zone, at its latest meeting, in July 2009, welcomed the "wind of change" in the approach of some nuclear-weapon States, which has lent impetus to the continuing efforts to establish a world free of nuclear weapons. In recognition of these important developments, the Commission agreed to play a constructive role in support of the 2010 Review Conference and the follow-up Conference of States Parties and Signatories to Treaties that Establish Nuclear-Weapon-Free Zones and Mongolia.

F. Assessment

20. The Treaty of Bangkok has significantly contributed to the maintenance of peace, stability and security in South-East Asia. All the States parties to the Treaty

are fully committed to a region free of nuclear weapons. That has been reaffirmed by the commitment of ASEAN at the highest political level, as reflected in the ASEAN Charter, that Member States will preserve South-East Asia as a nuclear-weapon-free zone and free of all other weapons of mass destruction. This, in turn, has contributed to strengthening the global disarmament and non-proliferation regimes.

21. Over the past years, the States parties have exerted continuing efforts and achieved encouraging progress in strengthening the implementation of the Treaty through the development and implementation of a comprehensive Plan of Action, the enhancement of institutional arrangements, the promotion of the importance of the goals and objectives of the Treaty, the improvement of coordination among the States parties on the nuclear non-proliferation agenda in international forums, and intensified engagement and cooperation with IAEA and other partners.

22. The executive organs at all levels of the Treaty of Bangkok as well as the relevant ASEAN sectoral bodies have made a strong political commitment to continue to explore various ways and means of achieving further progress in the implementation of the Treaty and its Plan of Action in the years to come. These include prioritizing the South-East Asia Nuclear-Weapon-Free Zone along with other priority areas in the context of ASEAN community-building efforts, carrying out concrete activities, intensifying internal coordination and pursuing consultations with various partners in a constructive manner and with a greater sense of urgency.